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EXTRAORDINARY PART II—Section 3—Sub-section (i) PUBLISHED BY AUTHORITY

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MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 7th March 1960

G.S.R. 291.—In exercise of the powers conferred by section 2 of the Union Territories (Laws) Act, 1950 (30 of 1950), the Central Government hereby extends to the Union territory of Tripura the West Bengal Land Development and Planning (Amendment) Act, 1955 (West Bengal Act XXIII of 1955) subject to the following modifications, namely:—

Modifications

(1) Throughout the Act, for the words "State Government" wherever they occur, the words "Chief Commissioner of Tripura" shall be substituted and there shall also be made in any sentence in which such substitution is made such consequential amendment as the rules of grammar may require.

(2) Sections 2 and 3 shall be omitted.

(3) In section 4, for the words "the said Act" the words, brackets and figures "the West Bengal Land Development and Planning Act, 1948, as extended to the Union territory of Tripura (hereinafter referred to as the said Act)" shall be substituted.

(4) In clause (1)(d) of section 7, the words "and shall be deemed always to have been inserted" shall be omitted.

ANNEXURE

THE WEST BENGAL LAND DEVELOPMENT AND PLANNING (AMENDMENT) ACT, 1955 (WEST BENGAL ACT XXIII OF 1955) AS EXTENDED TO THE UNION TERRITORY OF TRIPURA.

AN ACT

to amend the West Bengal Land Development and Planning Act, 1948.

Whereas it is expedient to amend the West Bengal Land Development and Planning Act, 1948, for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Sixth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. **Short title.**—This Act may be called the West Bengal Land Development and Planning (Amendment) Act, 1955.

2. * * * *

3. * * * *

4. Insertion of new section 4A—After section 4 of the West Bengal Land Development and Planning Act, 1948 as extended to the Union Territory of Tripura (hereinafter referred to as the said Act), the following section shall be inserted, namely:—

"4A. Hearing of objections.—(1) Any person interested in any land within a notified area may, within thirty days from the date of issue of the notification specifying the area to be a notified area, object to the acquisition of the land in which he is interested.

(2) Every objection under sub-section (1) shall be made to the Collector in writing and the Collector shall give the objector an opportunity of being heard and shall, after hearing all objections and making such further inquiry, if any, as he thinks necessary, submit the case to the Chief Commissioner of Tripura together with the record of the proceedings held by him and a report containing his recommendations on the objections."

5. Amendment of section 5.—In section 5 of the said Act—

(a) to sub-section (1) the following proviso shall be added, namely:—

"Provided that no scheme shall be necessary for acquisition of land for the public purpose specified in sub-clause (i) of clause (d) of section 2"; and

(b) in sub-section (2), for the words "may be sanctioned" the words "may, after taking into consideration any report submitted under sub-section (2) of section 4A, be sanctioned" shall be substituted.

6. Amendment of section 6.—In section 6 of the said Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1a) When the Chief Commissioner of Tripura is satisfied, after taking into consideration any report submitted under sub-section (2) of section 4A, that any land in the notified area is needed for the public purpose specified in sub-clause (i) of clause (d) of section 2, a declaration to the effect that such land is needed for the said purpose shall, unless already made in pursuance of section 7, be made by the Chief Commissioner of Tripura"; and

(b) after sub-section (2), the following sub-section shall be added, namely:—

"(3) When the Chief Commissioner of Tripura makes a declaration under sub-section (1) or sub-section (1a), he may, if he thinks fit, insert in the declaration a statement that the mines of coal, iron-stone, slate or other minerals lying under the land or any particular portion of the land are not needed for the purpose for which the land is being acquired."

7. Amendment of Section 8.—Section 8 of the said Act shall be renumbered as sub-section (1) of that section,—

(1) in sub-section (1) of that section, as so renumbered,—

(a) for the words "A declaration under section 6 shall be conclusive evidence that the land in respect of which the declaration is made is needed for a public purpose and, after making such declaration," the words "After making a declaration under section 6" shall be substituted;

(b) in clause (a) of the proviso, for the words "any other waste or arable land", the words "any waste or arable land" shall be substituted;

(c) the Explanation to clause (a) of the proviso shall be omitted;

(d) in the condition mentioned at the end of clause (b) of the proviso, after the words "if such market value" the words "in relation to land acquired for the public purpose specified in sub-clause (i) of clause (d) of section 2" shall be inserted; and

(2) after sub-section (1) of the said section, as so renumbered, the following sub-section shall be added, namely:—

“(2) When the amount of compensation has been determined under sub-section (1), the Collector shall make an award in accordance with the principles set out in section 11 of the said Act, but no amount referred to in sub-section (2) of section 23 of the said Act shall be included in the award”.

8. Substitution of new section for section 9.—For section 9 of the said Act, the following section shall be substituted, namely:—

- “9. *Power to dispose of land acquired under the Act.*—(1) Where the Chief Commissioner of Tripura decides to lease or sell any land acquired in pursuance of this Act, the person or persons from whom the land was so acquired shall, in such manner as the Chief Commissioner of Tripura may direct, be offered a prior right to take on lease or to purchase the land on such terms and conditions as may be determined by the Chief Commissioner of Tripura.
- (2) If, in any case, two or more persons claim to exercise a right offered under sub-section (1), the right shall be exercisable by such of the claimants as the Chief Commissioner of Tripura may determine after such inquiry as he thinks fit.”

[No. F. 10/5/58-Judl.II.UTL.21.]

K. R. PRABHU, Dy. Secy.

